

## **REMARKS**

Upon entry of this amendment, claims 33-35, 37 and 39-43 are all the claims pending in the application. Claims 36 and 38 have been canceled by this amendment, and claims 39-43 have been added as new claims. No new matter has been added.

Applicants would like to thank Examiner George Monikang for the courtesies extended to Applicants' representative during the telephone interview conducted on May 12, 2010. During the interview, the claimed features which Applicants believe distinguish the claims over the Berstis reference (US 6,650,894) were discussed. In this regard, Applicants note that the arguments presented herein generally correspond to the comments made during the interview. In addition, Applicants note that based on the Examiner's comments during the interview, that the claims have been modified herein in order to further distinguish the claims over the Berstis reference.

### **I. Claim Rejections under 35 U.S.C. § 102**

Claims 33-38 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Berstis et al. (US 6,650,894).

Claim 33, as amended, recites the features of a communication unit configured to receive, from the first apparatus, a notification signal, the notification signal including information indicating (i) that a level of sound output of the first apparatus has changed, and (ii) the level of sound output of the first apparatus; and an operating unit configured to (i) determine, upon the communication unit receiving the notification signal from the first apparatus, whether or not to change a level of sound output of the second apparatus or turn off the second apparatus, according to the level of sound output of the first apparatus and a distance between the first

apparatus and the second apparatus, wherein the operating unit determines to change the level of sound output of the second apparatus or turn off the second apparatus when (i) the level of sound output of the first apparatus is above a first predetermined threshold and (ii) the distance between the first apparatus and the second apparatus is below a second predetermined threshold.

Regarding Berstis, Applicants note that this reference discloses an electronic device that is able to detect the proximity of other electronic devices, and to control one or more of the electronic devices based on the detected proximity. For example, as discussed during the above-noted telephone interview, Berstis discloses that a user's portable electronic device 66 may require that when a manager's portable electronic device 60 is detected within the same meeting room, that the portable electronic device 66 has its volume automatically lowered (see col. 8, line 65 through col. 9, line 6). Also, Berstis discloses that when additional employees enter the meeting room with phones/pagers, a master device 68 is able to transmit a control code to turn off all audio and route any calls to voice mail on all electronic devices in the meeting room (see col. 9, lines 6-10).

Based on the foregoing description, Applicants note that while Berstis discloses the ability to control the output of a second portable electronic device (e.g., 66) based on a distance between a first portable electronic device (e.g., 60) and the second portable electronic device (e.g., 66), that Berstis does not disclose or in any way suggest the above-noted features recited in amended claim 33 of a communication unit configured to receive, from the first apparatus, a notification signal, the notification signal including information indicating (i) that a level of sound output of the first apparatus has changed, and (ii) the level of sound output of the first apparatus; and an operating unit configured to (i) determine, upon the communication unit receiving the notification signal from the first apparatus, whether or not to change a level of

sound output of the second apparatus or turn off the second apparatus, according to the level of sound output of the first apparatus and a distance between the first apparatus and the second apparatus, wherein the operating unit determines to change the level of sound output of the second apparatus or turn off the second apparatus when (i) the level of sound output of the first apparatus is above a first predetermined threshold and (ii) the distance between the first apparatus and the second apparatus is below a second predetermined threshold.

Accordingly, Applicants respectfully submit that amended claim 33 is patentable over Berstis, an indication of which is kindly requested. Claim 34 and new claim 41 depend from claim 33 and are therefore considered patentable at least by virtue of their dependency.

Regarding claim 35, Applicants note that this claim has been amended to recite the features of a communication unit configured to receive, from the first apparatus, a notification signal, the notification signal including information indicating that a state of power of the first apparatus has changed; and an operating unit configured to (i) determine, upon the communication unit receiving the notification signal from the first apparatus, whether or not to change a level of sound output of the second apparatus or turn off the second apparatus, according to the state of power of the first apparatus and a distance between the first apparatus and the second apparatus, wherein said operating unit decreases the level of sound output of the second apparatus or turns off the second apparatus when (i) the information included in the notification signal indicates that the first apparatus has turned on, and (ii) the distance between the first apparatus and the second apparatus is below a predetermined threshold.

For reasons at least similar to those discussed above with respect to claim 33, Applicants respectfully submit that Berstis does not teach, suggest or otherwise render obvious the above-noted features recited in amended claim 35. Accordingly, Applicants submit that claim 35 is

patentable over Berstis, an indication of which is kindly requested. New claims 39 and 42 depend from claim 35 and are therefore considered patentable at least by virtue of their dependency.

Regarding claim 37, Applicants note that this claim has been amended to recite the features of a communication unit configured to receive, from the first apparatus, a notification signal, the notification signal including information indicating that a state of power of the first apparatus has changed; and an operating unit configured to (i) determine, upon the communication unit receiving the notification signal from the first apparatus, whether or not to change a level of sound output of the second apparatus or turn on the second apparatus, according to the state of power of the first apparatus and a distance between the first apparatus and the second apparatus, wherein said operating unit increases the level of sound output of the second apparatus or turns on the second apparatus when (i) the information included in the notification signal indicates that the first apparatus has turned off, and (ii) the distance between the first apparatus and the second apparatus is below a predetermined threshold.

For reasons at least similar to those discussed above with respect to claim 33, Applicants respectfully submit that Berstis does not teach, suggest or otherwise render obvious the above-noted features recited in amended claim 37. Accordingly, Applicants submit that claim 35 is patentable over Berstis, an indication of which is kindly requested. New claims 40 and 43 depend from claim 37 and are therefore considered patentable at least by virtue of their dependency.

## II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Kei YASUDA et al.

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